

ATTENTION: Senior Petitions Attorney
Christina Tartera Donnel

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Brucker et al.
Title:	BIFURCATED STENT AND DELIVERY SYSTEM
I.A. Filing Date:	February 26, 2002
Ser. No.	10/083,707

Box DAC
Commissioner for Patent
Washington, D.C. 20231

Attorney's Docket No. S63.2-10308

REQUEST FOR RECONSIDERATION

This Request for Reconsideration is in response to the Decision mailed October 28, 2002 from the Office of Petitions wherein the Applicants' Petition, filed July 10, 2002, was dismissed.

In the Decision, it was indicated that the decision to dismiss Applicants' Petition was because: one, the statement of proof that the non-signing inventor could not be reached or refused to sign the oath or declaration after having been presented with the Application papers was insufficient and two, the declaration submitted with the Petition was not in compliance with 35 U.S.C. §§ 115 and 116.

In response to the first reason for dismissal, Applicants have included herewith an amended Declaration of Facts under 37 CFR 1.47(a). Due to an oversight in drafting the original Declaration of Facts, the originally filed Declaration of Facts failed to indicate that Mr. Malaret was provided with a copy of the Application as filed for his review. Paragraph # 4 of the Declaration submitted herewith properly states that the declarant, on May 1, 2002, did in fact send Mr. Malaret a complete copy of the Application as filed along with the Assignment, Inventors Declaration and a letter requesting that Mr. Malaret sign the Declaration and Assignment.

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In regard to the second reason for dismissal, in accordance with Senior Petitions Attorney Christina Tartera Donnel's instructions, included herewith are amended copies of the Inventors' Declaration of inventorship wherein the formerly missing addresses of some of the inventors have been added. It is noted, that all of the Inventors were all sent identical copies of the Application, Declaration and Assignment papers on May 1, 2002.

It is believed that the enclosed Declaration of Facts under 37 CFR 1.47(a) and the amended copies of the Declaration of inventorship previously submitted address the issues identified in the Decision of October 28, 2002.

In light of the above, Applicants' respectfully request that the Petition of July 10, 2002 be reconsidered.

Respectfully submitted,

Date: December 18, 2002

By: 

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**Declaration Of Facts In Support Of Filing On Behalf Of Omitted Inventor
(37 CFR 1.47(a))**

This declaration is made as to the exact facts which are relied upon to establish the diligent effort to secure the execution of the declaration by the omitted inventor for the above identified patent application before deposit thereof in the Patent and Trademark Office.

This declaration is being made by the assignee's attorney having knowledge of the facts recited herein.

Identification Of Person Making This Declaration Of Facts

Name of declarant: James M. Urzedowski
Address of declarant: Vidas, Arrett & Steinkraus, P.A.
6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343
Title of declarant: Attorney

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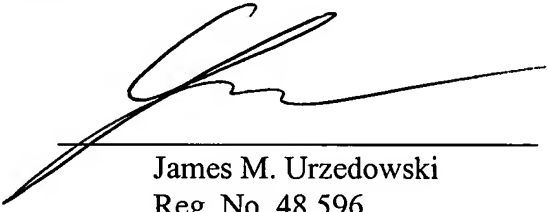
Last Known Address Of The Omitted Inventor

Name of omitted inventor: Enrique Malaret
Last known address: 4935 Balsam Lane North
Plymouth, MN. 55442

Details Of Efforts To Reach Omitted Inventor

1. The omitted inventor, Enrique Malaret, signed a Consulting Agreement with Assignee Boston Scientific, Scimed, Inc, (Scimed Life Systems Inc.), on December 20, 2000, wherein Mr. Malaret acknowledged that he would aid the Assignee in filing patents or obtaining other protection on any ideas, inventions, improvements or suggestions arising from his performance as a consultant to the Assignee.
2. The subject matter of the above identified Application as well as related Applications 10/084,766 and 10/083,711 arose in part from Mr. Malaret's performance as a consultant during the term of the Consulting Agreement.
3. Following the filing of the present Application, I received a Notice to File Missing Parts under 37 CFR 1.53(b) mailed April 3, 2002 requiring the declaration of the inventors by June 3, 2002, or later with a petition for extension pursuant to 37 CFR 1.136(a).
4. On May 1, 2002 I sent to Mr. Malaret and a copy of the Application, including the specification, claims and drawings as filed, for his review. Along with the Application, I sent Mr. Malaret an Assignment, Declaration and a letter requesting that he sign the Declaration and Assignment that I had included therewith. Upon hearing no response by the date I had requested, I sent Mr. Malaret follow-up letters on May 23, 2002, and June 4, 2002.
5. Shortly after the letter of June 4th was sent by certified mail, I was notified by an attorney who claimed to represent Mr. Malaret that due to an existing disagreement between Mr. Malaret and the Assignee, Mr. Malaret was refusing to sign the Declaration or Assignment.
6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 12/18/02


James M. Urzedowski
Reg. No. 48,596